

# PATENT COOPERATION TREATY



## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P/75834.WO/B</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/GB 03/00010</b>	International filing date (day/month/year) <b>06.01.2003</b>	Priority date (day/month/year) <b>06.01.2003</b>
International Patent Classification (IPC) or both national classification and IPC <b>G07C11/00</b>		
Applicant <b>AVERY BERKEL LIMITED</b>		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.
	<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.10 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of 1 sheets.
3.	This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the International application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand  <b>06.08.2004</b>	Date of completion of this report  <b>03.05.2005</b>
Name and mailing address of the International preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  <b>Teutloff, H</b>  Telephone No. +31 70 340-4503  

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB 03/00010

## I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

### Description, Pages

1-8 as originally filed

### Claims, Numbers

2-11 as originally filed

1 received on 24.03.2005 with letter of 24.03.2005

### Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

**see separate sheet**

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following document:

D1: GB-A-2 300 509 (QUEUE MANAGEMENT SYSTEMS LIMIT) 6 November 1996  
(1996-11-06)

**1. Article 34(2)(b) PCT**

- 1.1 The amendments filed with the letter dated 24 March 2005 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendments concerned are the following:
- 1.2 The term "customer identifier" has not been disclosed in the originally filed application and is deemed to be broader in scope than what has been described in the description, namely that a customer is supplied by a device with a sequential queue number.

**2. Inventive step**

- 2.1 The following statements have been made under the assumption of an allowable claim 1 which incorporates a "customer number allocation device" and a "customer number" replacing the "customer identifier device" and "customer identifier".
- 2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.3 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and shows (the references in parentheses applying to this document):

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A service point management system using a plurality of service points like weighing scales which are connected to a common processor to monitor the availability of staff for scheduling purposes. The system detects the actual transaction length for a customer and can be used to minimize waiting times in a supermarket. It furthermore enables the staff to drive an attached indicating means to inform customers about their position in the queue from various places in the service environment.

- 2.4 The subject-matter of claim 1 differs from the features known from D1 in that it additionally comprises means to gather data about the quantity and type of goods which is stored via a network connection in a common database and processed for the purpose of stock control, for creation of management data, customer queuing data and staff performance data.
- 2.5 The problem to be solved by the present application may be regarded as how to improve the quality of management information to minimize waiting queues and at the same time maximize sales. These problems, however, seem to be non-technical.
- 2.6 An invention consisting of a mixture of technical and non-technical features and having technical character as a whole is to be assessed with respect to the requirement of inventive step by taking account of all those features which contribute to said technical character whereas features making no such contribution cannot support the presence of inventive step.
- 2.7 The present application comprises as a technical feature that has not been disclosed in the prior art document D1 the collection of data concerning quantity and type of goods, stored via a network connection in a common database for further processing. These technical features however are known in the field of stock management for decades and cannot be seen as inventive since their technical realisation would be obvious for the person skilled in the art.
- 2.8 Dependent claims 2 - 11 do also not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step.

**Claim 1**

A service point management system comprising a customer display device to display customer information, a customer identifier device to allocate a unique identifier to a customer, at least one weighing apparatus for weighing goods to  
5 be purchased by a customer and a data collection and processing means to receive data from at least the weighing apparatus, said customer display, said customer identifier device, said weighing apparatus and said data collection and processing means being linked by a data network, said weighing apparatus being operable to generate data relating to the customer identifier,  
10 the quantity and type of goods being purchased and the time taken to complete the purchase, said data being collected and processed by the data collection and processing means to generate processed data comprising stock control and management data, customer queuing data and staff performance data.